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United States: NPES Associated With OL Patents Keep Filing New Complaints In Pairs

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Two NPES associated with [Ortiz & Lopez, PLLC](#) (d/b/a OL PATENTS)-[Mesa Digital LLC](#) and [Ortiz & Associates Consulting, LLC](#) (OAC)-have continued their recent practice of filing suits in pairs, Mesa Digital suing **Acer** ([3:20-cv-02337](#)) in the Northern District of California and OAC hitting **Hisense** ([1:20-cv-02193](#)) in the Northern District of Illinois. A different patent from the same family is asserted in each new complaint, Mesa Digital's generally related to a "multimedia" mobile device and OAC's, to the transmission of video data from a wireless device to a "data rendering device". Acer joins recent defendants **HTC** (sued in October 2019) and **Zebra Technologies** (in December 2019) in the mobile devices wing of this campaign; Hisense joins **Panasonic** (also in October 2019) and **Microsoft** (also in December 2019) in the video transmission wing. Issues surrounding service of complaints continue to plague the more recent suits brought by Mesa Digital alone in this long-running campaign.

For example, in May 2019, before the practice of filing in pairs seems to have taken hold, Mesa Digital filed a single case asserting the patent ([9,031,537](#)) now at issue against Acer, HTC, and Zebra against each of **Apple**, **LG Electronics** (LGE), and **Samsung**. The '537 patent issued in May 2015 as part of the asserted 35-member family having earliest estimated priority in June 2000. The Apple and Samsung cases were dismissed with prejudice after each defendant filed a counterclaim attacking Mesa Digital's claim of priority back to June 2000 (further details [here](#)); however, the LGE suit (in which two other patents from the same family were asserted with the '537 patent) was dismissed in early December 2019 for failure to serve the complaint.

On January 27, 2020, the case against Zebra Technologies was dismissed for want of prosecution after the parties failed to file a required joint status report. On February 3, Mesa Digital filed its own status report (rather than a joint one) because Zebra Technologies had not yet been served, which the plaintiff indicated that it planned to do, by February 21, 2020. Mesa Digital recounts a miscommunication with the chambers of District Judge John Robert Blakey of the Northern District of Illinois-"for which plaintiff's counsel takes full responsibility"-for the events that led to dismissal, rather than to the filing of a joint status report and a rescheduling of the corresponding status conference with the court. No further entries have been made on the case's docket.

In the HTC case, Mesa Digital was ordered on February 5 to show cause why the suit should not be dismissed for failure to serve the complaint. Roughly one week later, the plaintiff explained in its response that it did serve the defendant within the 90-day time period to do so: "In this case the Defendant was served via its registered agent on January 17, 2020, which was 84 days after the filing of the complaint". No further entries have been filed on the docket of the HTC case either.

In the Acer case, Mesa Digital has disclosed **Dynamic IP Deals LLC** (d/b/a DynalP), a patent monetization firm having offices in Houston, San Jose, and Philadelphia, as a nonparty with an interest in the outcome of the litigation. Texas records list Carlos O. Gorrichategui as a member of DynalP, which was formed in Texas in September 2013; Gorrichategui also holds himself out as having been the cofounder and COO of **NextTechs Technologies LLC**, "a technology investment bank engaged in the global intermediation of IP offers and needs", also based in Houston, Texas, since 2004. Court filings in multiple other ongoing NPE campaigns, all launched in 2019, have identified [DynaIP](#) as a nonparty having an interest in the outcome of the proceeding:

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Service of pleadings has apparently not been a hallmark of the OAC wing of the campaign. A stay has been imposed in the Panasonic case, through May 1, 2020, after the parties notified the court that they have reached an agreement in principle to resolve their dispute. Microsoft has yet to answer (or otherwise respond to) the complaint filed against it, the deadline for doing so having been extended twice automatically by repeated amendments to the court's general order in light of the "Coronavirus COVID-19 Public Emergency". The latest version of that general order can be reviewed [here](#).

The patent asserted in the recent suits in the OAC wing of the case ([9,147,299](#)) has recently been challenged in an Alice motion, in a case against Roku, which was dismissed from the District of Delaware just before that court was to have dealt with the challenge in one of its well-known "Section 101 Days". Further details on Roku's motion can be read at "[Mesa Digital and OAC Hit Zebra Technologies and Microsoft, Respectively, in Different Wings of the Same Campaign](#)" (December 2019).

OL PATENTS has managed this campaign since 2008 through three controlled plaintiffs: Mesa Digital and OAC, as well as [Front Row Technologies LLC](#). The named inventors of the patents asserted throughout this litigation are Kermit D. Lopez and/or Luis M. Ortiz, patent lawyers and the named partners of OL PATENTS.

OAC has not filed its disclosure of any nonparties having an interest in the outcome of its litigation, as Northern District of California local rules require. 4/7, Mesa Digital v. Acer, Northern District of California; 4/8, OAC v. Hisense, Northern District of Illinois.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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